

The question is, Will the Senate advise and consent to the nomination of James I. Cohn, of Florida, to be a U.S. circuit judge for the Southern District of Florida. The clerk will call the roll.

Mr. McCONNELL. I announce that the Senator from Mississippi (Mr. COCHRAN) and the Senator from New Mexico (Mr. DOMENICI) are necessarily absent.

Mr. REID: I announce that the Senator from Massachusetts (Mr. KERRY) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "aye".

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 320. Ex.]

YEAS—96

Akaka	Dodd	Lott
Alexander	Dole	Lugar
Allard	Dorgan	McCain
Allen	Durbin	McConnell
Baucus	Edwards	Mikulski
Bayh	Ensign	Miller
Bennett	Enzi	Murkowski
Biden	Feingold	Murray
Bingaman	Feinstein	Nelson (FL)
Bond	Fitzgerald	Nelson (NE)
Boxer	Frist	Nickles
Breaux	Graham (FL)	Pryor
Brownback	Graham (SC)	Reed
Bunning	Grassley	Reid
Burns	Gregg	Roberts
Byrd	Hagel	Rockefeller
Campbell	Harkin	Santorum
Cantwell	Hatch	Sarbanes
Carper	Hollings	Schumer
Chafee	Hutchison	Sessions
Chambliss	Inhofe	Shelby
Clinton	Inouye	Smith
Coleman	Jeffords	Snowe
Collins	Johnson	Specter
Conrad	Kennedy	Stabenow
Cornyn	Kohl	Stevens
Corzine	Kyl	Sununu
Craig	Landrieu	Talent
Crapo	Lautenberg	Thomas
Daschle	Leahy	Voinovich
Dayton	Levin	Warner
DeWine	Lincoln	Wyden

NOT VOTING—4

Cochran	Kerry
Domenici	Lieberman

The nomination was confirmed.

NOMINATION OF FRANK MONTALVO, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE

The PRESIDING OFFICER (Mr. GRAHAM OF SOUTH CAROLINA). UNDER THE PREVIOUS ORDER, THE SENATE WILL PROCEED TO THE NOMINATION OF FRANK MONTALVO, TO BE UNITED STATES DISTRICT JUDGE, WHICH THE CLERK WILL REPORT.

The legislative clerk read the nomination of Frank Montalvo, of Texas, to be United States District Judge for the Western District of Texas.

Mr. LEAHY. Mr. President, have the yeas and nays been ordered on this judge?

The PRESIDING OFFICER. No.

Mr. LEAHY. This is the second of the five?

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Frank Montalvo, of Texas, to be United States District Judge for the Western District of Texas?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Mississippi (Mr. COCHRAN), the Senator from New Mexico (Mr. DOMENICI) and the Senator from Mississippi (Mr. LOTT) are necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "aye".

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 321 Ex.]

YEAS—95

Akaka	Dodd	Lugar
Alexander	Dole	McCain
Allard	Dorgan	McConnell
Allen	Durbin	Mikulski
Baucus	Edwards	Miller
Bayh	Ensign	Murkowski
Bennett	Enzi	Murray
Biden	Feingold	Nelson (FL)
Bingaman	Feinstein	Nelson (NE)
Bond	Fitzgerald	Nickles
Boxer	Frist	Pryor
Breaux	Graham (FL)	Reed
Brownback	Graham (SC)	Reid
Bunning	Grassley	Roberts
Burns	Gregg	Rockefeller
Byrd	Hagel	Santorum
Campbell	Harkin	Sarbanes
Cantwell	Hatch	Schumer
Carper	Hollings	Sessions
Chafee	Hutchison	Shelby
Chambliss	Inhofe	Smith
Clinton	Inouye	Snowe
Coleman	Jeffords	Specter
Collins	Johnson	Stabenow
Conrad	Kennedy	Stevens
Cornyn	Kohl	Sununu
Corzine	Kyl	Talent
Craig	Landrieu	Thomas
Crapo	Lautenberg	Voinovich
Daschle	Leahy	Warner
Dayton	Levin	Wyden
DeWine	Lincoln	

NOT VOTING—5

Cochran	Kerry	Lott
Domenici	Lieberman	

The nomination was confirmed.

NOMINATION OF XAVIER RODRIGUEZ, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TEXAS

The PRESIDING OFFICER. Under the previous order, the clerk will report Calendar No. 307.

The legislative clerk read the nomination of Xavier Rodriguez, of Texas, to be United States District Judge for the Western District of Texas.

The PRESIDING OFFICER. The question is, Will the Senate advise and

consent to the nomination of Xavier Rodriguez, of Texas, to be United States District Judge for the Western District of Texas?

The nomination was confirmed.

H. BRENT MCKNIGHT, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NORTH CAROLINA

The PRESIDING OFFICER. Under the previous order, the clerk will report Calendar No. 314.

The legislative clerk read the nomination of H. Brent McKnight, of North Carolina, to be United States District Judge for the Western District of North Carolina.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of H. Brent McKnight, of North Carolina, to be United States District Judge for the Western District of North Carolina?

The nomination was confirmed.

JAMES O. BROWNING, OF NEW MEXICO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW MEXICO

The PRESIDING OFFICER. Under the previous order, the clerk will report Calendar No. 315.

The assistant legislative clerk read the nomination of James O. Browning, of New Mexico, to be United States District Judge for the District of New Mexico.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of James O. Browning, of New Mexico, to be United States District Judge for the District of New Mexico?

The nomination was confirmed.

Mrs. DOLE. Mr. President, I am delighted that my colleagues voted to confirm the nomination of Brent McKnight for one of the newly created judgeships in the Western District of North Carolina.

Mr. McKnight brings a wealth of experience to this position, and his resume and experience are impeccable. More importantly, Mr. McKnight is highly respected by his peers, a testament to his character and integrity.

Since 1993, he has served as a federal Magistrate Judge for the Western District of North Carolina, and he was appointed to the Advisory Committee on Civil Rules of the Judicial Conference by Chief Justice Rehnquist in October of 2001.

Brent McKnight has served as a state prosecutor and a District Court Judge for the 26th North Carolina Judicial District, and he maintains membership in the North Carolina Bar Association, the Federal Magistrate Judges Association, and many other organizations.

He has had a lifelong thirst for knowledge, having been a Rhodes Scholar and perhaps, even more impressive to those of us in North Carolina, a Morehead Scholar at the University of North Carolina at Chapel

Hill, a prestigious award named after the well-known philanthropist and scientist, John Motley Morehead III. Currently, Mr. McKnight shares his knowledge with aspiring students as an adjunct professor at both Wingate University and the University of North Carolina at Charlotte.

It is so critical that the Senate move quickly on this and other nominations so that our courts can get much needed relief. In the Western District, where Mr. McKnight is nominated, caseloads have increased significantly. The Administrative Office of the U.S. Courts has indicated that the three U.S. District Court judges in the Western district have the fourth-heaviest caseload per judge among the 94 federal judicial districts across the country. For instance, the number of case filed in the district grew from 1,321 in 1996 to 1,518 in the year 2001. The number of cases pending rose over the same time period from 1,209 to 1,522.

This backlog in our courts must be alleviated. Approving the nomination of Brent McKnight would place a qualified and credible jurist on the bench and provide the overburdened Western District with much needed relief.

Brent McKnight has my full support, and I would urge my colleagues to support his nomination.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

MORNING BUSINESS

Mr. SUNUNU. Mr. President, I ask unanimous consent the Senate proceed to a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

RETIREMENT OF RONALD E. MADSEN

Mr. HATCH. Mr. President, I am grateful for the opportunity today to pay tribute to a wonderful man, dedicated public servant, and loyal friend, Ronald E. Madsen.

Ron is retiring from my Senate Staff after 21 years of dedicated service to the people of Utah, a time throughout which he worked tirelessly to promote and protect the values and ideals we all hold so dear.

Ron joined my staff in the early days of my Senate career and has always been a vital center of my Senate organization.

He has served in many capacities including Utah state director, environmental and lands advisor, and most recently as staff counsel.

Ron Madsen has been a guiding influence for me. Over the years, we have navigated through many challenges and enjoyed many successes.

He has always diligently strived to provide sound counsel and steady support as we have worked together on issues facing Utah and the Nation.

In addition, Ron has played a vital role in working with many Utah industries and associations.

He spent many years advising and helping to promote the tourism and air travel industries throughout Utah.

He is a strong advocate for the Second Amendment and was a key liaison for my office on issues affecting this important constitutional right.

Over the years, Ron has spent literally months traveling Utah, meeting with county and city officials and getting a good feel for the issues and challenges Utahns are facing throughout our State.

But perhaps the most important and lasting service Ron performed were the literally thousands of hours he spent listening to and counseling constituents who called my office looking for assistance with a myriad of problems.

In Ron, they not only found help, they made a good friend. He has always been willing to work with all constituents, no matter their circumstances.

The friendship and help Ron Madsen extended has been invaluable to hundreds if not thousands of Utahns and will be felt for many years to come.

Ron was born and raised in Provo, UT where his family played an integral role in the community. He attended Brigham Young University where he received a Bachelor of Science Degree and graduated with honors. He was then awarded a 3-year trustee scholarship to George Washington University School of Law in Washington, D.C., where he served on the Law Review.

Ron later received his Juris Doctorate Degree with honors and went on to establish a successful and prestigious law career and was admitted to practice law in Washington, D.C., Maryland, Utah, and before the United States Supreme Court.

In addition to the service Ron has rendered in his community and our office, Ron is a loving father and grandfather. He is the proud father of one son and 2 daughters, and grandfather to 5 grandsons and 1 granddaughter.

I have often admired the dedication and devotion Ron Madsen has always shown, not only to his children and grandchildren, but to his wife Kathryn who was sick for many years and is now deceased.

Ron stood by her side through her struggles with health and was a steadfast partner until the end.

Ron also has a true love for animals and has opened his home to many animals in need of shelter and care. He has helped his daughter, a veterinarian technician by trade, nurse many wounded creatures back to good health and improved their quality of life immeasurably.

He has sacrificed his talents, time and financial resources for the creatures of our earth—something truly noteworthy and honorable.

I am truly grateful for the service Ron Madsen has given to me, to his community and to Utah. He has been by my side for many, many years and I will always be extremely grateful for the service he has rendered.

I will miss Ron tremendously, but know that life holds many wonderful things for him to savor and enjoy.

And as Ron has always liked to quote—"you can go off the Hatch payroll, but never off the Hatch staff."

In the future, I plan to continue to rely on Ron Madsen for his very expert advice, for his guidance and support.

Ron is a truly dedicated public servant, fervently patriotic American, loving father and grandfather, and loyal and cherished friend.

I want to wish him the very best in retirement and pray for his continued good health, success and happiness.

THE NOMINATION OF WILLIAM PRYOR

Mr. DASCHLE. Mr. President, it is with reluctance and disappointment that I must rise in opposition to another cloture vote for a judicial nominee. But once again, the extreme ideology of a nominee has left us with no other option. But even if there were no questions about Mr. Pryor's ability to apply and interpret the law fairly, the open questions surrounding Mr. Pryor's ethical fitness, the unfinished investigation in the Judiciary Committee, and the fact that his nomination was reported out of committee in violation of committee rules, should compel the Senate to delay voting on this nomination. For both substantive and procedural reasons, Mr. Pryor's nomination should be put on hold. For that reason, I must oppose cloture.

I would remind my colleagues that we have invoked our right to unlimited debate with great rarity. Since President Bush took office, Democrats have been eager to cooperate in the nomination and confirmation of qualified judges who will enforce the law and protect the rights of all Americans. And we are proud of our record. When the Democrats held the Senate, we confirmed 100 of the President's judicial nominees. We rejected only two, Charles Pickering and Priscilla Owen. This year, we have already approved 40 more judges, and only 2 nominees, Miguel Estrada and Priscilla Owen, have previously met with sustained opposition. Democrats have sought compromise and consensus. And today, there are 140 judges sitting on the bench who serve as testimony to our cooperation.

But the importance of the Federal judiciary is too important to stand silently by and allow a nominee who has expressed hostility to the laws that protect the rights of all Americans. Mr. Pryor has repeatedly put his own personal and political beliefs above the dictates of the law. Throughout his career, he has been unable to find constitutional protection for even those rights that are clearly written and firmly established in case law. Not civil rights. Not voting rights. Not the right to privacy. In fact, Mr. Pryor has argued before the Supreme Court that it should cut back on the protections of